

DOCKET NO.: RTS-0242US.P1

PATENT

REMARKS

The Applicants thank the Examiner for her careful review of the response filed on August 29, 2005. In the Notice of Non-Responsive Amendment the Examiner states that the response to that Notice must supply the "omission or correction in order to avoid abandonment. It is not believed that a complete, new response needs to be filed and that the previous response was entered into the record.

The Applicants noted a response in the amendment made to the sequence listing on line <211> of the sequence amendment. The sequence was indicated as having 15 nucleotides when it contains 21 nucleotides as can be seen both in the specification and in the listing. The Applicants submit that the amendment contains no new matter and that the amendment is made to address an obvious typographical error.

The Examiner has required that the Applicants reply to the provisional rejection of claims 1-2, 4-10 and 15 for double patenting over US Patent Application Serial No. 10/633,843. The Applicants request that as the rejection is provisional that it be held in abeyance until allowable matter is indicated in at least one of the cases.

The Examiner has objected to the specification for including nucleotide sequences on page 130 without sequence identifiers. The Applicants did amend the specification indicating incorrect page and line numbers. The amendment to the Specification is not directed to the correct portion of the Specification and the prior amendment is withdrawn. The Applicants believe that as the amendment to the Specification as indicated in the response filed on August 29, 2005 was clearly in error that no amendment of the Specification needs to be filed to return the original language as filed on page 127, line 29 to page 128, line 13. If correction is required, it is requested that the Examiner request the correction in the next office action. It is believed that the Specification is now in proper form for examination.

FEES

It is believed that there are no fees due with this response. However, if a fee is due, the Commissioner is hereby entitled to charge the Deposit Account No 50-0252 referencing case RTS-0242US.P1.

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CONCLUSION

The Applicants submit that the response is now complete and responsive. If the Examiner believes that there are any outstanding issues remaining in the case, she is encouraged to contact the Agent for Applicant listed below to discuss the matter.

Respectfully submitted,

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